

**Executive Summary – Enforcement Matter – Case No. 48469**  
**Beachview Acres Water Association**  
**RN101437135**  
**Docket No. 2014-0445-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Beachview Acres Water Association, located at 1 Linda Lee Loop near Whitney, Hill County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 1, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$945

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$945

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 48469**  
**Beachview Acres Water Association**  
**RN101437135**  
**Docket No. 2014-0445-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** February 24, 2014 through March 7, 2014

**Date(s) of NOE(s):** March 7, 2014

***Violation Information***

1. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification regarding the failure to submit DLQORs [30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3), and 290.122(c)(2)(A)].
2. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
3. Failed to pay all annual Public Health Service ("PHS") fees and associated late fees for TCEQ Financial Administration Account No. 91090045 for Fiscal Year 2014 [30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility including, but not limited to, providing public notification regarding the failure to submit DLQORs;
  - ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs;

**Executive Summary – Enforcement Matter – Case No. 48469**  
**Beachview Acres Water Association**  
**RN101437135**  
**Docket No. 2014-0445-PWS-E**

iii. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2013 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers; and

iv. Pay all outstanding PHS fees and associated late fees for TCEQ Financial Administration Account No. 91090045.

b. Within 45 days:

i. Submit written certification to demonstrate compliance with Ordering Provisions a.i. through a.iii.; and

ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.

c. Within 60 days, submit written certification to demonstrate compliance with Ordering Provision b.ii.

d. Within 90 days, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.

e. Within 285 days, submit written certification to demonstrate compliance with Ordering Provision d.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Jim Fisher, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2537; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Ann E. Robinson, Director/Operator, Beachview Acres Water Association, P.O. Box 1383, Whitney, Texas 76692

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

**DATES**

**Assigned PCW**

10-Mar-2014  
31-Mar-2014

**Screening**

20-Mar-2014

**EPA Due**

30-Jun-2013

## RESPONDENT/FACILITY INFORMATION

**Respondent** Beachview Acres Water Association

**Reg. Ent. Ref. No.** RN101437135

**Facility/Site Region** 9-Waco

**Major/Minor Source** Minor

## CASE INFORMATION

**Enf./Case ID No.** 48469

**Docket No.** 2014-0445-PWS-E

**Media Program(s)** Public Water Supply

**Multi-Media**

**No. of Violations** 1

**Order Type** Findings

**Government/Non-Profit** Yes

**Enf. Coordinator** Jim Fisher

**EC's Team** Enforcement Team 2

**Admin. Penalty \$ Limit Minimum** \$50

**Maximum** \$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$200

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**

**35.0%** Enhancement

**Subtotals 2, 3, & 7** \$70

**Notes**

Enhancement for three NOVs with the same/similar violations and one agreed order with a denial of liability.

**Culpability**

No

**0.0%** Enhancement

**Subtotal 4** \$0

**Notes**

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments**

**Subtotal 5** \$0

**Economic Benefit**

Total EB Amounts \$52

Approx. Cost of Compliance \$189

**0.0%** Enhancement\*

\*Capped at the Total EB \$ Amount

**Subtotal 6** \$0

**SUM OF SUBTOTALS 1-7**

**Final Subtotal** \$270

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

**0.0%**

**Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$270

**STATUTORY LIMIT ADJUSTMENT**

**Final Assessed Penalty** \$270

**DEFERRAL**

**0.0%**

Reduction

**Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

**\$270**

Screening Date 20-Mar-2014

Docket No. 2014-0445-PWS-E

PCW

Respondent Beachview Acres Water Association

Policy Revision 2 (September 2002)

Case ID No. 48469

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 35%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for three NOVs with the same/similar violations and one agreed order with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 35%

Screening Date 20-Mar-2014

Docket No. 2014-0445-PWS-E

PCW

Respondent Beachview Acres Water Association

Policy Revision 2 (September 2002)

Case ID No. 48469

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description

Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter. Specifically, the Respondent did not submit DLQORs for the first and second quarters of 2011.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 2

180 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Two single events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$200

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$52

Violation Final Penalty Total \$270

This violation Final Assessed Penalty (adjusted for limits) \$270

# Economic Benefit Worksheet

**Respondent** Beachview Acres Water Association

**Case ID No.** 48469

**Reg. Ent. Reference No.** RN101437135

**Media** Public Water Supply

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	24-Feb-2014	31-Oct-2014	0.68	\$2	n/a	\$2
Training/Sampling	\$100	24-Feb-2014	31-Oct-2014	0.68	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that the self-reporting requirements are properly accomplished, including the timely submittal of signed and certified quarterly DLQORs, calculated from the record review date to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$44	10-Apr-2011	10-Jul-2011	1.17	\$3	\$44	\$47
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to prepare and submit DLQORs (\$22 per report x 2 missed reports), calculated from the date the report was due for the first quarter of 2011 to the date the report was due for the second quarter of 2011.

**Approx. Cost of Compliance**

\$189

**TOTAL**

\$52





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

**DATES**

**Assigned**

10-Mar-2014

**PCW**

31-Mar-2014

**Screening**

20-Mar-2014

**EPA Due**

30-Jun-2013

## RESPONDENT/FACILITY INFORMATION

**Respondent** Beachview Acres Water Association

**Reg. Ent. Ref. No.** RN101437135

**Facility/Site Region** 9-Waco

**Major/Minor Source** Minor

## CASE INFORMATION

**Enf./Case ID No.** 48469

**Docket No.** 2014-0445-PWS-E

**Media Program(s)** Public Water Supply

**Multi-Media**

**No. of Violations** 3

**Order Type** Findings

**Government/Non-Profit** Yes

**Enf. Coordinator** Jim Fisher

**EC's Team** Enforcement Team 2

**Admin. Penalty \$ Limit Minimum**

\$50

**Maximum**

\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$500

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**

35.0% Enhancement

**Subtotals 2, 3, & 7** \$175

**Notes**

Enhancement for three NOVs with the same/similar violations and one agreed order with a denial of liability.

**Culpability**

No

0.0% Enhancement

**Subtotal 4** \$0

**Notes**

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments**

**Subtotal 5** \$0

**Economic Benefit**

Total EB Amounts \$418

Approx. Cost of Compliance \$469

0.0% Enhancement\*

\*Capped at the Total EB \$ Amount

**Subtotal 6** \$0

**SUM OF SUBTOTALS 1-7**

**Final Subtotal** \$675

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

0.0%

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$675

**STATUTORY LIMIT ADJUSTMENT**

**Final Assessed Penalty** \$675

**DEFERRAL**

0.0%

Reduction

**Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

\$675

Screening Date 20-Mar-2014

Docket No. 2014-0445-PWS-E

PCW

Respondent Beachview Acres Water Association

Policy Revision 3 (September 2011)

Case ID No. 48469

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 35%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for three NOVs with the same/similar violations and one agreed order with a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 35%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 35%

Screening Date 20-Mar-2014

Docket No. 2014-0445-PWS-E

PCW

Respondent Beachview Acres Water Association

Policy Revision 3 (September 2011)

Case ID No. 48469

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.110(e)(4)(A) and (f)(3), and 290.122(c)(2)(A).

Violation Description

Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification regarding the failure to submit DLQORs. Specifically, the Respondent did not submit DLQORs for the third quarter of 2011 through the second quarter of 2013 and failed to provide public notification regarding the failure to submit DLQORs for the first and second quarters of 2013.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification	X		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 8

730 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$400

Eight single events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$400

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$256

Violation Final Penalty Total \$540

This violation Final Assessed Penalty (adjusted for limits) \$540

# Economic Benefit Worksheet

**Respondent** Beachview Acres Water Association  
**Case ID No.** 48469  
**Reg. Ent. Reference No.** RN101437135  
**Media** Public Water Supply  
**Violation No.** 1

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	24-Feb-2014	31-Oct-2014	0.68	\$3	n/a	\$3

## Notes for DELAYED costs

The delayed cost to update the Facility's operational guidance and conduct employee training is captured in the Revision 2 PCW economic benefit worksheet. The delayed cost above includes the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner, calculated from the record review date to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Avoided Costs		ANNEXURE [1] avoided costs before incurring from (except for one-time avoided costs)					
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$176	10-Oct-2011	10-Jul-2013	2.67	\$23	\$176	\$199
Other (as needed)	\$50	11-Apr-2013	9-Oct-2013	1.41	\$4	\$50	\$54

## Notes for AVOIDED costs

The avoided costs include the estimated amount to submit DLQORs (\$22 per report x 8 missed reports), calculated from the date the DLQOR was due for the third quarter of 2011 to the date the DLQOR was due for the second quarter of 2013, and the estimated amount to provide public notification (\$25 per notice x 2 missed notices), calculated for the period the public notifications were required.

**Approx. Cost of Compliance** \$326

**TOTAL** \$256

Screening Date 20-Mar-2014

Docket No. 2014-0445-PWS-E

PCW

Respondent Beachview Acres Water Association

Policy Revision 3 (September 2011)

Case ID No. 48469

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)

Violation Description

Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondent did not mail or directly deliver the CCR to bill paying customers nor did the Respondent submit the CCR or required certification to the TCEQ for the years 2011 and 2012.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 2

730 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

Two single events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$162

Violation Final Penalty Total \$135

This violation Final Assessed Penalty (adjusted for limits) \$135

# Economic Benefit Worksheet

**Respondent** Beachview Acres Water Association  
**Case ID No.** 48469  
**Reg. Ent. Reference No.** RN101437135  
**Media** Public Water Supply  
**Violation No.** 2

**Percent Interest** 5.0  
**Years of Depreciation** 15

**Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
**Item Description** No commas or \$

## Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/Construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/Equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$143	10-Jul-2012	20-Mar-2014	2.61	\$19	\$143
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the 2011 and 2012 CCRs to the customers of the Facility and to TCEQ (\$0.50 x 43 connections + \$50 for 2 years), calculated from the due date of the 2011 CCR to the screening date.

Approx. Cost of Compliance

\$143

**TOTAL**

\$162

Screening Date 20-Mar-2014

Docket No. 2014-0445-PWS-E

PCW

Respondent Beachview Acres Water Association

Policy Revision 3 (September 2011)

Case ID No. 48469

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101437135

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702

Violation Description

Failed to pay all annual Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 91090045 for Fiscal Year 2014.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

N/A

Adjustment \$1,000

\$0

## Violation Events

Number of Violation Events

Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$0

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$0

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

# Economic Benefit Worksheet

**Respondent** Beachview Acres Water Association

**Case ID No.** 48469

**Reg. Ent. Reference No.** RN101437135

**Media** Public Water Supply

**Violation No.** 3

**Percent Interest** 5.0 **Years of Depreciation** 15

**Item Description** **Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**  
No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

N/A

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$0

**TOTAL**

\$0





## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600672281, RN101437135, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600672281, BEACHVIEW ACRES WATER ASSOCIATION	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Regulated Entity:</b>	RN101437135, BEACHVIEW ACRES WATER ASSOCIATION	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A		
<b>CH Group:</b>	14 - OTHER				
<b>Location:</b>	1- LINDA LEE LOOP, NEAR WHITNEY, HILL COUNTY, TEXAS				
<b>TCEQ Region:</b>	REGION 09 - WACO				

**ID Number(s):** PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1090045

**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 9/01/2013

**Date Compliance History Report Prepared:** March 21, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 21, 2009 to March 21, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Jim Fisher **Phone:** (512) 239-2537

### Site and Owner/Operator History:

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |
| 3) If <b>YES</b> for #2, who is the current owner/operator?  | N/A |
| 4) If <b>YES</b> for #2, who was/were the prior owner(s)/operator(s)?                              | N/A |
| 5) If <b>YES</b> , when did the change(s) in owner or operator occur?                              | N/A |

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

- |          |  |   |
|----------|--|---|
| <b>1</b> | <b>Effective Date:</b> 02/07/2010  | <b>ADMINORDER</b> 2008-0103-PWS-E (1660 Order-Agreed Order With Denial) |
|          | <b>Classification:</b> Minor   |   |
|          | <b>Citation:</b> 30 TAC Chapter 290, SubChapter D 290.46(f)(2)<br>30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)  |   |
|          | <b>Description:</b> Failing to provide the Facility's operating records for Commission review during its inspections. Specifically, microbiological records for the period of February 2007 through November 2007 were not available for review. In addition, Beachview Acres did not maintain records of the quantity of water treated each week. |   |
|          | <b>Classification:</b> Moderate  |   |
|          | <b>Citation:</b> 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(A)  |   |
|          | <b>Description:</b> Failing to locate a well site for public drinking water at least 150 feet from a septic tank drainfield. Specifically, the distance from the well to the septic tank drainfield serving the Pioneer Cove Store was approximately 140 feet.   |   |
|          | <b>Classification:</b> Minor   |   |
|          | <b>Citation:</b> 30 TAC Chapter 290, SubChapter D 290.46(n)(2)   |   |
|          | <b>Description:</b> Failing to provide an accurate and up-to-date map of the distribution system. Specifically, the map of the distribution system reviewed at the time of the investigation did not include the location of the gate valves.  |   |
|          | <b>Classification:</b> Minor   |   |

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(4)

Description: Failing to provide a metering device at each residential, commercial, or industrial service connection for the accumulation of water usage data.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)

Description: Failing to provide an air filter on the air injection line. Specifically, neither the air compressor nor the air line feeding the pressure tank was

equipped with a filter to prevent contaminants or lubricants from entering the pressure tank.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)

Description: Failing to inspect the ground storage tank annually.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failing to provide an adequate plant operations manual.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failing to have a complete and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that Beachview Acres will use to comply with the monitoring requirements. Specifically, the Facility did not have a chemical and microbiological monitoring plan.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)

Description: Failing to monitor the disinfectant residual at least once every seven days.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)

Description: Failing to provide an adequate system ownership sign.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: Failing to perform microbiological monitoring.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(6)

Description: Failing to provide flush valves on dead end mains.

**B. Criminal convictions:** N/A

**C. Chronic excessive emissions events:** N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):** N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

<b>1</b>	<b>Date:</b> 06/14/2013 (1152425)	<b>CN600672281</b>
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)	
	Description: CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.	
<b>2</b>	<b>Date:</b> 11/14/2013 (1152425)	<b>CN600672281</b>
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)	
	Description: DLQOR MR 1Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2013 within the required timeline.	

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: DLQOR MR 2Q2013 - The system failed to monitor and/or report distribution  
 disinfectant residuals to the TCEQ for the 2nd quarter of 2013 within the required  
 timeline.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
 30 TAC Chapter 290, SubChapter H 290.274(a)  
 30 TAC Chapter 290, SubChapter H 290.274(c)  
 Description: CCR 2012 - The system failed to provide the Consumer Confidence Report (CCR)  
 for 2012 to its bill-paying customers and/or the TCEQ by July 1st of the following  
 year.

3 Date: 02/26/2014 (1152425) CN600672281

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: DLQOR MR PN 1Q2013 Posting and Reporting Violation - Failure to submit a  
 signed certificate of delivery to the Executive Director certifying that public notice  
 was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period  
 that public notice was required for a disinfectant monitoring and reporting  
 violation during the 1st quarter of 2013.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: DLQOR MR PN 2Q2013 Posting and Reporting Violation - Failure to submit a  
 signed certificate of delivery to the Executive Director certifying that public notice  
 was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period  
 that public notice was required for a disinfectant monitoring and reporting  
 violation during the 2nd quarter of 2013.

F. Environmental audits: N/A  
 G. Type of environmental management systems (EMSs): N/A  
 H. Voluntary on-site compliance assessment dates: N/A  
 I. Participation in a voluntary pollution reduction program: N/A  
 J. Early compliance: N/A  
 Sites Outside of Texas: N/A



**Respondent:** CN600672281, BEACHVIEW ACRES WATER ASSOCIATION  
**Regulated Entity:** RN101437135, BEACHVIEW ACRES WATER ASSOCIATION

**Component Appendices**

**Appendix A - All NOVs Issued During Component Period 3/21/2009 and 3/21/2014**

- 1      Date:      03/09/2011      (901560)      CN600672281  
Classification:      Moderate
- Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.41(c)(1)(A)  
Description:      Failing to locate a well site for public drinking water at least 150 feet from a septic tank drainfield. Specifically, the distance from the well to the septic tank drainfield serving the Pioneer Cove Store was approximately 140 feet.  
Classification:      Minor
- Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.44(d)(4)  
Description:      Failing to provide a metering device at each residential, commercial, or industrial service connection for the accumulation of water usage data.  
Classification:      Minor
- Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)  
Description:      Failing to inspect the ground storage tank annually.  
Classification:      Minor
- Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.42(I)  
Description:      Failing to provide an adequate plant operations manual.  
Classification:      Minor
- Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.44(d)(6)  
Description:      Failing to provide flush valves on dead end mains.  
Classification:      Minor
- 2      Date:      06/09/2011      (919139)      CN600672281  
Classification:      Minor
- Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.44(d)(5)  
Description:      Failure to provide the regulated entity with sufficient valves and blowoffs so that necessary repairs can be made without undue interruption of service over any considerable area and for flushing the lines when required.  
Classification:      Minor
- Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)  
Description:      Failure to provide a well casing eighteen inches above the ground surface.  
Classification:      Moderate
- Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.41(c)(1)(A)  
Description:      Failing to locate a well site for public drinking water at least 150 feet from a septic tank drainfield. Specifically, the distance from the well to the septic tank drainfield serving the Pioneer Cove Store was approximately 140 feet.  
Classification:      Minor
- Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.44(d)(4)  
Description:      Failing to provide a metering device at each residential, commercial, or industrial service connection for the accumulation of water usage data.  
Classification:      Minor
- Self Report?      NO      For Informational Purposes Only  
Citation:      30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)  
Description:      Failing to inspect the ground storage tank annually.  
Classification:      Minor

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(I)  
 Description: Failing to provide an adequate plant operations manual.  
 Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(6)  
 Description: Failing to provide flush valves on dead end mains.  
 Classification: Minor

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
 Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

3 Date: 12/12/2011 (1152749) CN600672281  
 Classification: Moderate

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
 30 TAC Chapter 290, SubChapter H 290.274(a)  
 30 TAC Chapter 290, SubChapter H 290.274(c)  
 Description: CCR 2010 - The system failed to provide the Consumer Confidence Report (CCR) for 2010 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

4\* Date: 06/14/2013 (1152425) CN600672281  
 Classification: Moderate

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
 30 TAC Chapter 290, SubChapter H 290.274(a)  
 30 TAC Chapter 290, SubChapter H 290.274(c)  
 Description: CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

5 Date: 11/14/2013 (1152425) CN600672281  
 Classification: Moderate

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: DLQOR MR 1Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2013 within the required timeline.  
 Classification: Moderate

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: DLQOR MR 2Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2013 within the required timeline.  
 Classification: Moderate

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
 30 TAC Chapter 290, SubChapter H 290.274(a)  
 30 TAC Chapter 290, SubChapter H 290.274(c)  
 Description: CCR 2012 - The system failed to provide the Consumer Confidence Report (CCR) for 2012 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: DLQOR MR PN 1Q2013 Posting and Reporting Violation - Failure to submit a  
signed certificate of delivery to the Executive Director certifying that public notice  
was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period  
that public notice was required for a disinfectant monitoring and reporting  
violation during the 1st quarter of 2013.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: DLQOR MR PN 2Q2013 Posting and Reporting Violation - Failure to submit a  
signed certificate of delivery to the Executive Director certifying that public notice  
was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period  
that public notice was required for a disinfectant monitoring and reporting  
violation during the 2nd quarter of 2013.

\* NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

## Appendix B

### All Investigations Conducted During Component Period March 21, 2009 and March 21, 2014

Item 1	March 10, 2011**	(901560) For Informational Purposes Only
Item 2	June 06, 2011**	(919139) For Informational Purposes Only
Item 3	March 05, 2014	(1152425) For Informational Purposes Only
Item 4	March 06, 2014	(1152749) For Informational Purposes Only
Item 5	March 07, 2014	(1152635) For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
BEACHVIEW ACRES WATER  
ASSOCIATION  
RN101437135**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2014-0445-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Beachview Acres Water Association (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a Public Water Supply located at 1 Linda Lee Loop near Whitney, Hill County, Texas (the "Facility") that has approximately 43 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted from February 24, 2014 through March 7, 2014, TCEQ staff documented that the Respondent did not submit Disinfectant Level Quarterly Operating Reports ("DLQORs") for the first quarter of 2011 through the second quarter of 2013 and did not provide public notification regarding the failure to submit DLQORs for the first and second quarters of 2013.
3. During a record review conducted on February 24, 2014 through March 7, 2014, TCEQ staff documented that the Respondent did not mail or directly deliver the Consumer Confidence Report ("CCR") to bill paying customers nor did the Respondent submit the CCR or required certification to the TCEQ for the years 2011 and 2012.
4. During a record review conducted on May 2, 2014, TCEQ staff documented that the Respondent did not pay all annual Public Health Service ("PHS") fees and associated late fees for TCEQ Financial Administration Account No. 91090045 for Fiscal Year 2014.
5. The Respondent received notice of the violations on March 10, 2014.

## **II. CONCLUSIONS OF LAW**

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification regarding the failure to submit DLQORs, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3), and 290.122(c)(2)(A).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to pay all annual PHS fees and associated late fees for TCEQ Financial Administration Account No. 91090045 for Fiscal Year 2014, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702.
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of Nine Hundred Forty-Five Dollars (\$945) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Nine Hundred Forty-Five Dollar (\$945) administrative penalty.

### **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Nine Hundred Forty-Five Dollars (\$945) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Beachview Acres Water Association, Docket No. 2014-0445-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility including, but not limited to, providing public notification regarding the failure to submit DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.122;
    - ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, as required by 30 TEX. ADMIN. CODE § 290.110;
    - iii. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2013 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, as required by 30 TEX. ADMIN. CODE § 290.274; and

- iv. Pay all outstanding PHS fees and associated late fees for TCEQ Financial Administration Account No. 91090045. The payment shall include the notation "Beachview Acres Water Association; TCEQ Account No. 91090045" and be submitted to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

- b. Within 45 days after the effective date of this Agreed Order:
  - i. Submit written certification as described in Ordering Provision No. 2.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iii; and
  - ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, as required by 30 Tex. Admin. Code § 290.274. The copy of the CCR and certification shall be mailed to:

Public Drinking Water Section  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- c. Within 60 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e. below and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii.
- d. Within 90 days after the effective date of this Agreed Order, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- e. Within 285 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

The determination of what constitutes good cause rests solely with the Executive Director.

5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

10/31/14  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Beachview Acres Water Association. I am authorized to agree to the attached Agreed Order on behalf of Beachview Acres Water Association, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Beachview Acres Water Association waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

6-23-2014  
Date

Ann E Robinson  
Name (Printed or typed)  
Authorized Representative of  
Beachview Acres Water Association

Director/Operator  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.